REMARKS

This paper is submitted in reply to the Office Action mailed September 5, 2008.

In the Office Action, claims 1-8, 10, 11, 46 and 48-52 are listed as pending, claims 48-51 are listed as withdrawn from consideration and claims 1-8, 10, 11, 46 and 52 are listed as rejected. Applicants respectfully request reconsideration and entry of the foregoing amendments. Applicants have cancelled claims 7, 46 and 52 without waiver or prejudice and reserve the right to pursue the cancelled subject matter in a continuation or divisional application..

The Examiner has rejected claims 1-8 and 10-11 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Applicants respectfully traverse this rejection. Applicants address the Examiner's reasons in the order listed in the instant office action.

i. The Examiner states that in claim 1 the recitation

> ...heterocycloalkyl; or L is –NRC(O)-, -NRC(O)O-, -$S(O)_2$NR-, -C(O)NR- or –OC(O)NR- and R_3 is substituted or unsubstituted alkyl, substituted or unsubstituted alkenyl or substituted or unsubstituted aralkyl;
> provided that j is 0 when L is –CH_2NR-, -C(O)NR- or –NRC(O) and R_3 is azacycloalkyl or azaheteroaryl

is very confusing. Applicants have amended claim 1 to delete the proviso "provided that j is 0 when L is –CH_2NR-, -C(O)NR- or –NRC(O) and R_3 is azacycloalkyl or azaheteroaryl".

ii. With respect to claim 11, the Examiner states:

> ...it is recited 'L is –$NHSO_2$R-, -NHC(O)O- or –NHC(O)R-; where R is H, an acyl group...'. This recitation is confusing because the terms –$NHSO_2$R- and –NHC(O)R- do not appear to represent bivalent groups because R is a monovalent substituents group such as H.

The Examiner further states that the claim recites "'or L is –NRC(O)-, -NRC(O)O-, $S(O)_2$NR-, -C(O)NR- or –OC(O)NR-'...wherein the term R is a monovalent group which may include the terms "-H, acyl group, etc." Therefore it is very confusing."

Applicants have amended claim 11 to delete "-H" from the definition of R. Applicants have also deleted the phrase "or L is –NRC(O)-, -NRC(O)O-, S(O)2NR-, -C(O)NR- or –OC(O)NR-" from claim 11.

Based upon the foregoing, the rejections of claims 1-8 and 10-11 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention is obviated and should be withdrawn.

The Examiner has maintained the rejection of claims 1-8, 10 and 46 under 35 U.S.C. §103(a) over Calderwood et al., WO 98/41525. Applicants respectfully traverse this rejection and maintain the arguments presented in the Replies filed June 2, 2008, November 30, 2004, March 26, 2004, July 11, 2003, February 11, 2003, the RCE filed October 24, 2005, the Reply filed May 11, 2006, the Reply filed January 26, 2007, The Reply filed March 19, 2007 and the Request for Continued Examination filed May 22, 2007.

Without conceding to the correctness of the Examiner's rejections and for the sole purpose of expediting prosecution of the instant application and to place it in condition for allowance, Applicants have amended claim 1 to delete the phrase "a six membered aromatic ring or" from the definition of Ring A. Applicants have also deleted "selected from the grup consisting of a substituted phenyl" from claim 5, deleted the phrase "a six membered aromatic ring or" from the definition of Ring A in claim 11 and cancelled claims claim 7 and 46 without waiver or prejudice. Applicants reserve the right to pursue cancelled subject matter in continuation or divisional applications.

Based upon the foregoing, the rejection of claims 1-8, 10 and 46 under 35 U.S.C. §103(a) over Calderwood et al., WO 98/41525, is obviated and should be withdrawn.

The Examiner has rejected claim 1-8 and 10 under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the following reasons.

1. The Examiner states "[c]laim 1 recites the limitation 'provided that j is 0 when L is –CH_2NR-' in page 5, line 1. There is insufficient antecedent basis for this limitation in the claim." In response to the rejection of claims 1-8 and 10-11 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as his invention Applicants deleted this proviso, rendering this rejection moot.

2. The Examiner states "[c]laim 3 recites the limitation "R_c is hydrogen' in page 6, line 9. There is insufficient antecedent basis for this limitation in claim 1 on which claim 3 is dependent." Applicants have amended claim 3 to delete "hydrogen" from the definition of R_c.

3. The Examiner states "[c]laim 6 recites the limitation 'ring A is substituted with one or more substituents selected from ...CF_3' in line 2. There is insufficient antecedent basis for this limitation in claim 1." Applicants have amended claim 6 to delete "CF_3."

4. The Examiner states [c]laim 6 recites the limitation 'R_c is hydrogen' in page 7, line 9. There is insufficient antecedent basis for this limitation in claim 1." Applicants have amended claim 6 to delete "hydrogen" from the definition of R_c.

Based upon the foregoing, the rejection of claim 1-8 and 10 under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the above-mentioned reasons is obviated and should be withdrawn.

The Examiner has maintained the rejection of claims 1-8, 10-11, 46 and 52 on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-63 of U.S. Patent No. 6,713,474. Upon receiving a Notice of Allowability wherein the rejection of claims 1-8, 10, 11, 46 and 52 under the on the ground of nonstatutory obviousness-type double patenting over claims 1-63 of U.S. Patent No. 6,660,744 is the only remaining issue Applicants will address the issue of nonstatutory obviousness-type double patenting over claims 1-63 of U.S. Patent No. 6,713,474.

In view of the foregoing remarks, Applicants believe that claims 1-8, 10-11 and 47 are in condition for allowance. Prompt and favorable action is earnestly solicited.

Applicants respectfully request that claims 48-51 be rejoined to the instant application.

No additional claims fees are due for the instant amendment since the total number of claims after entry of the amendments hereinabove is not more than the total number of claims that Applicants have paid for to date.

If the Examiner believes that a telephone conference would advance the condition of the instant application for allowance, Applicants invite the Examiner to call Applicants' agent at the number noted below.

Respectfully submitted,

Date: January 22, 2009

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